

MEMO

TO: Tom Bates  
FROM: Ben Loring  
DATE: October 22, 2013  
SUBJECT: Arrest of Jerry Payne

On Thursday, October 17, 2013, Miami Police Detectives David Dean and Mark Byfield were in the office to talk with another ADA. While here, they talked with me and expressed great concern about what was happening at Miami P.D., particularly on the midnight shift, insofar as violation of rights and excessive use of force. They apparently were aware of what happened in the Jerry Payne case. They stated that there had been 17 internal investigations at Miami P. D. over those types of issues. They did not specify the time span covered by those 17 investigations but they said inappropriate things have been happening on that shift for over ten years. Further, it was not clear whether they were actually meaning 17 investigations or whether that was an estimate intended to stress the point there had been a lot of issues that are known within the department. They were also implying that in their opinions the "investigations" were not thorough and were more of a cover-up than a real investigation. They never indicated any outside agencies were involved in those investigations.

They went on to say that there was weak and inappropriate supervision on that shift and that in their opinions the supervisors were as guilty of using excessive force as anyone else. They told me about instances where Teresa Lashmet was treated in a belittling, derogatory, hostile and intimidating fashion. They said she is routinely called a "bitch" to her face and otherwise belittled by both other officers and her shift supervisors. They said that she is trying to leave this department and go to another and that when she does she will have a "hell of a lawsuit." They indicated that people higher up in the administration of the police department know of the problem and do nothing about it. I asked if they think she is being ordered as to what to put in her reports and they both said they were certain that was happening. They also stated that because nothing happens to the violating officers, the general mood of the midnight shift is that everyone might as well go along with the inappropriate behavior as it has become the norm. They said there are a lot of young officers on that shift that could become very good officers, but because of the lack of supervision (and inappropriate supervision) they are being ruined.



Sheriff Durborow also approached me about this issue. He works a second job as a security officer at the Stables Casino, which is where this incident (the Jerry Payne arrest) took place. He informed me that the casino got a subpoena from the defense lawyers for their video of the parking lot at the time of the arrest. Subpoenas are handled by Les Ferris (the head of the casino's security and a retired FBI agent). When Les gets a subpoena, he always views what is being requested. Durborow said that Les told him the quality of their footage is not great, but that he was concerned enough about what he saw that he called and discussed it with Miami PD Chief Haralson.

On October 21, 2013, Miami Mayor Rudy Schultz called me about this issue. Apparently, Detectives Dean and Byfield talked to Miami P.D. Chief Haralson<sup>1</sup> and he discussed the matter with the City Council at his rehiring meeting on this date. Mayor Schultz informed me that the Chief and Council are aware that there is a problem but feel constrained by the FOP contract as far as taking any action until they can prove something. The most important thing that he told me is that when Chief Haralson become aware of this he called in the Tulsa P.D. Internal Affairs unit to investigate the matter. Mayor Schultz indicated that Chief Haralson used the same unit to look into other issues.

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<sup>1</sup>Chief Haralson was the Chief at the time of the incident. At some point afterwards, he retired from Miami P. D, but under some arrangement that he could possibly return. It is my understanding that on October 21, 2013, he was reinstated as the Chief of Police at a City Council meeting. This is where, apparently, this issue was discussed with the City Council, and I would assume in Executive Session.